Appl. No. 10/707,408
Amdt. dated October 1, 2008
Reply to Office Action of July 3, 2008

Attorney Docket No. 014682-000002

REMARKS

Initially, in the Office Action, the Examiner has rejected claims 1 – 3, 10 -15, 23 – 25, 27 – 29, 31, 35 – 38 and 40 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,032,022 (Shanumgam et al.) in view of U.S. Patent No. 6,981,029 (Menditto et al.) and further in view of Applicant's Admitted own Prior Art (AAPA). Claims 6, 18, 32 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and U.S. Patent No. 6,621,793 (Widegren et al.). Claims 7, 19, 20, 33 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and U.S. Patent No. 6,510,513 (Danieli). Claims 8, 9, 21, 22, 34 43 and 44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and U.S. Patent No. 2003/0110192 (Valente et al.).

Claims 1 – 3, 6 – 15, 18 – 25, 27 – 29, 31 – 38 and 40 – 44 remain pending in the present application.

<u>35 U.S.C. §103 Rejections</u>

Claims 1 – 3, 10 – 15, 23 – 25, 27 – 29, 31, 35 – 38 and 40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and AAPA. Applicant respectfully traverses these rejections.

Regarding claims 1, 10, 23, 28 and 35, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims. For example, the Examiner asserts that Shanumgam et al. discloses determining if a policy template is present at an enforcement point in response to receiving an identification assigned to the policy template, at column 1, line 65 – column 2, line 26 and column 10, line 63. However, these portions merely disclose a system that includes a central policy server defining policy settings for edge devices associated with networks that monitors the health and status of the policy enforcers from a single location. The edge devices act as policy enforcers for their respective networks and manage policies for their network

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according to stored policy settings. Also disclosed is that each firewall policy includes a policy identifier attribute for identifying a particular policy rule in the list of policies. This is not <u>determining if a policy template is present at an enforcement point in response to receiving an identification assigned to the policy template</u>, as recited in the claims of the present application. Shanumgam et al. merely discloses that a policy includes a policy identifier and that a central policy server monitors policy enforcers that each have resources for managing policies of the network. Shanumgam et al. does not disclose or suggest <u>a policy template being present at an enforcement point</u>. Moreover, Shanumgam et al. does not disclose or suggest <u>receiving an identification</u> assigned to the policy template <u>to determine if the policy template is present</u>.

Moreover, Applicant submits that none of the cited references disclose or suggest the policy template and the parameters being transmitted separately, as recited in the claims of the present application. It is not clear which reference, or portion thereof, the Examiner asserts as disclosing these limitations. The Examiner references several portions of Menditto et al. However, none of these portions disclose or suggest the policy template and the parameters (to be used in the policy template) <u>being transmitted separately</u>. As required by the MPEP and 35 U.S.C. §103(a) statute and associated case law, Applicant respectfully requests the Examiner to specifically point out where in any cited reference these limitations are disclosed or suggested.

The Examiner appears to admit that Shanumgam et al. does not disclose or suggest determining if a policy template is present at an enforcement point in response to receiving an identification assigned to the policy template, but asserts that Menditto discloses these limitations (as well as other limitations in the claims) at various locations of the Menditto et al reference, (column 3, lines 1 – 29, column 6, lines 16 – 53, column 7, lines 1 – 53, column 8, lines 27 – 30, column 9, lines 37 – 62 and column 12, line 20 – column 13, line 6) The Examiner appears to jump all over the Menditto et al. reference citing various discrete portions of this reference in the hope that some part of these portions disclose the limitations in the claims of the present application. Applicant submits that Menditto et al. does not disclose or suggest <u>determining if a policy template is present at an enforcement point in response to receiving an identification</u>

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assigned to the policy template, as recited in the claims of the present application. Applicant respectfully requests the Examiner to specifically point out where in any cited reference these limitations are disclosed or suggested. Applicant submits that this is an improper §103 rejection in that the Examiner has failed to specifically identify where limitations in the claims of the present application are disclosed or suggested in the asserted reference.

The Examiner further appears to admit that Shanumgam et al. does not disclose or suggest transmitting a query from the enforcement point to a repository, where policy templates are stored, in response to the policy template not being present at the enforcement point, wherein the query includes the id assigned to the policy template, but asserts that Menditto et al. discloses these limitations at column 3, lines 1 – 29, column 6, lines 16 – 53, column 9, lines 37 – 62 and column 12, line 20 – column 13, line 6. However, these portions merely disclose details regarding the content gateway functions, the content gateway directory, functions of the content gateway policy manager, and details related to quality of service policy. Again the Examiner jumps to various portions of the cited reference in the hopes that these portions disclose the limitations in the claims of the present application. The Examiner again fails to specifically point out the limitations in the claims of the present application in the cited reference. However, none of these portions disclose or suggest transmitting a query from the enforcement point to a repository, where policy templates are stored in response to the policy template not being present at the enforcement point, wherein the query includes the id assigned to the policy template, as recited in the claims of the present application. Menditto et al. actually teaches away from the limitations in the claims of the present application in disclosing that "if no policy exists, then no action is taken" (see, column 9, line 47). Applicant respectfully requests the Examiner to specifically point out where in the cited reference these limitations are disclosed or suggested.

Moreover, these portions do not disclose or suggest receiving the policy template at the enforcement point, wherein the policy template is transmitted by the repository in response to the query, as recited in the claims of the present application. Menditto et

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al. discloses storing of <u>content policies</u>. Further, Menditto et al. discloses a content class that consists of a template and set of rules for pattern matching the URL of the request. However, this is not a template <u>that may receive parameters transmitted separately for factoring to the policy template</u>, as recited in the claims of the present application. Further, this is not <u>a policy template present at an enforcement point</u>. As the Examiner notes on page 5 of the Office Action, Menditto discloses <u>a repository for content policy</u>. This is not <u>a policy template</u> as recited in the claims of the present application.

Regarding claims 2, 3, 11 – 15, 24, 25, 27, 29, 31, 36 – 38 and 40, Applicant submits that these claims are dependent on one of independent claims 1, 10, 23, 28, 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each claims 1 – 3, 10 – 15, 23 – 25, 27 – 29, 31, 35 – 38 and 40 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 6, 18, 32 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al., Menditto and further in view of Widegren et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of 1, 10, 28 and 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Widegren et al. does not overcome the substantial defects noted previously regarding Shanumgam et al. and Menditto et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 6, 18, 32 and 41 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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Claims 7, 19, 20, 33 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al. in view of Menditto et al. and Daneili. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1, 10, 28 and 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Danieli does not overcome the substantial defects noted previously regarding Shanumgam et al. and Menditto et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 7, 19, 20, 33 and 42 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 8, 9, 21, 22, 34, 43 and 44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shanumgam et al., Menditto et al. and further in view of Valente et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1, 10, 28 and 35 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Valente et al. does not overcome the substantial defects noted previously regarding Shanumgam et al. and Menditto et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 8, 9, 21, 22, 34, 43 and 44 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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Conclusion

In view of the foregoing remarks, Applicant submits that claims 1 – 3, 6 – 15, 18 – 25, 27 – 29, 31 – 38 and 40 – 44 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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